

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE HAYES,

Petitioner,

Case No. 2:12-cv-10098

Honorable Patrick J. Duggan

v.

DUNCAN MACLAREN,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO DISMISS HABEAS
PETITION WITHOUT PREJUDICE**

Petitioner Maurice Hayes has filed a motion to voluntarily dismiss his pending petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254 on January 10, 2012. Petitioner seeks an opportunity to return to the state courts to pursue additional challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay this proceeding so that he could exhaust additional claims in the state courts. The Court emphasized that the claims identified in the petition were exhausted, and that Petitioner could seek voluntary dismissal of this proceeding to exhaust additional claims if he preferred. The Court noted that approximately one-month had elapsed on the applicable one-year statute of limitations before Petitioner filed this action, leaving him sufficient time to re-file a federal habeas petition after exhausting additional claims in state court. Petitioner indicates in his current motion that wishes to voluntarily dismiss this proceeding to pursue his additional state claims.

Accordingly,

IT IS ORDERED, that Petitioner's motion to dismiss is **GRANTED** and the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. This order closes this case. Should Petitioner wish to seek federal habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the applicable one-year period of limitations.

Dated: July 23, 2012

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Maurice Haynes
#534424
Gus Harrison Correctional Facility
2727 E. Beecher Street
Adrian, MI 49221

AAG David H. Goodkin